

REMARKS

With the entry of this Amendment, claims 1, 4-7 and 11 will be pending in this patent application.

In this paper, Applicant is proposing to cancel withdrawn claims 3 and 8-10, which were drawn to a non-elected species of the invention. (Applicant reserves the right to file a divisional application directed to the subject matter of the non-elected species.) Applicant is also proposing to cancel claim 2 and amend claims 1, 4 and 11.

ENTRY OF AMENDMENTS TO CLAIMS

As discussed below, the amendments to the claims proposed herein would not introduce new issues, would obviate all of the objections and rejections stated by the Examiner in the outstanding Office Action and would place all of the pending claims in condition for allowance. Applicant therefore requests that these amendments be entered under the provisions of 37 CFR 1.116 (b)(1).

ALLOWABLE SUBJECT MATTER

Applicant notes with appreciation the Examiner's recognition of allowable subject matter in claims 1, 2, 4, 5 and 11. In this paper, Applicant is proposing amendments to the claims that would obviate all of the Examiner's objections and rejections and whereby all of the pending claims would recite subject matter recognized as allowable by the Examiner. Applicant therefore trusts that the Examiner will find all of the pending claims, with amendments proposed herein, to be in condition for allowance.

OBJECTIONS TO CLAIMS

In this paper, Applicant is proposing amendments to claims 1 and 4 that would implement the Examiner's helpful suggestions for amending these claims and obviate the Examiner's objections to claims 1, 2 and 4.

Since the Examiner's objections to claims 1, 2 and 4 would be obviated by the amendments to claims 1 and 4, Applicant requests that the objections to the claims be withdrawn.

SECTION 112, 2ND PARAGRAPH, REJECTION

Claims 1, 2, 4-7 and 11 stand rejected under 35 USC § 112, second paragraph, as being indefinite. Applicant traverses this rejection insofar as it might be deemed applicable to claims 1, 4-7 and 11 with amendments proposed herein.

As proposed herein, claim 1 would be amended to clearly and properly introduce the exhaust-air fan, the plurality of openings, the closing elements as elements of the claimed conveyor dishwasher. The next-to-last paragraph of amended claim 1 recites "a capacity" and "an exhaust-air quantity" of the exhaust-air fan.

As proposed herein, claim 11 would be rewritten in independent form. The last paragraph of claim 11 would recite "partially closed positions" for agreement with the recitation in the immediately preceding paragraph.

With amendments to the claims proposed herein, and in view of the foregoing observations, Applicant submits that, claims 1, 4-7 and 11 would fully comply with the requirements of 35 USC § 112, second paragraph. Applicant therefore requests that this rejection be withdrawn.

PRIOR ART REJECTION I

Claim 1 stand rejected under 35 USC § 102(b) as being anticipated by DE 196 44 438 A1 (Wörter). Applicant traverses this rejection insofar as it might be deemed applicable to claim 1 with amendments proposed herein.

As proposed herein, claim 1 would be amended to incorporate the subject matter that had been recited in claim 2, and which the Examiner recognized as allowable.

Applicant submits that, with amendments to claim 1 proposed herein, this rejection would be rendered moot. Applicant therefore requests that this rejection be withdrawn.

PRIOR ART REJECTION II

Claims 6 and 7 stand rejected under 35 USC § 103(a) as being unpatentable over US 4247158 (Quayle) in view of Wörter. Applicant traverses this rejection insofar as it might be deemed applicable to claims 6 and 7 with amendments proposed herein.

With amendments to parent claim 1 proposed herein, claims 6 and 7 would depend from a claim reciting subject matter recognized as allowable by the Examiner.

Applicant submits that, with amendments to claim 1 proposed herein, the rejection of claims 6 and 7 would be rendered moot. Applicant therefore requests that this rejection be withdrawn.

CONCLUSION

In view of the amendments proposed herein and in view of the observations and arguments presented herein, Applicant respectfully requests that the Examiner reconsider and withdraw the objections and rejections stated in the outstanding Office Action and recognize all of the pending claims as allowable.

If unresolved matters remain in this application, the Examiner is invited to contact Frederick R. Handren, Reg. No. 32,874, at the telephone number provided below, so that these matters can be addressed and resolved expeditiously.

Application No. 10/581,250
Amendment dated October 21, 2010
After Final Office Action of July 23, 2010

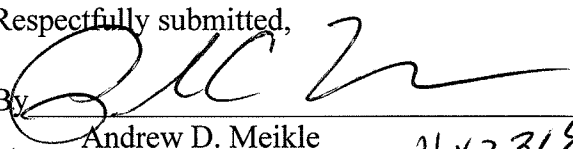
Docket No.: 4266-0121PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Dated: October 21, 2010

Respectfully submitted,

By


Andrew D. Meikle

Registration No.: 32,868

for ✓ BIRCH, STEWART, KOLASCH & BIRCH, LLP #43,368

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant